

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

AMERICAN INTERNATIONAL)	
GROUP, INC., <i>et al.</i> ,)	Case No. 07 CV 2898
)	
Plaintiffs,)	Judge Robert W. Gettleman
v.)	
)	Magistrate Judge Sidney I. Schenkier
ACE INA HOLDINGS, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	
LIBERTY MUTUAL INSURANCE)	
COMPANY, <i>et al.</i> ,)	
)	
Counter-Claimants,)	
)	
)	
)	
AMERICAN INTERNATIONAL)	
GROUP, INC., <i>et al.</i> ,)	
Counter-Defendants.)	
)	

PROPOSED SCHEDULING ORDER ON STATISTICAL SAMPLING OF LIBERTY

The Court enters the following Scheduling Order to govern proceedings in the above-captioned cases with respect to statistical sampling of policy and underwriting files to be produced by the Liberty Mutual entities that are parties to this action (“Liberty”). This Order governs AIG’s sampling of files of both Liberty and the Wausau entities. The Wausau entities are Employers Insurance of Wausau, Wausau Underwriters Insurance Company, Wausau Business Insurance Company and Wausau General Insurance Company (together “Wausau”).

1. The March 15, 2011 date for the close of fact discovery in this case is extended to July 29, 2011 solely for the purpose of enabling AIG to complete its sampling of Liberty’s files

and any discovery arising from or relating to that sampling. The March 15, 2011 fact discovery cut-off remains in effect for all other purposes.

2. On November 5, 2010, AIG submitted proposed pilot sampling methodologies for Wausau (the “Proposed Wausau Pilot Methodology”) and Liberty (the “Proposed Liberty Pilot Methodology,” together with the Proposed Wausau Pilot Methodology, the “Proposed Pilot Methodologies”).

3. Liberty shall provide AIG with complete answers to each data-related question posed in AIG’s letters to Liberty, dated October 6, 2010 and October 28, 2010, by November 16, 2010.

4. By November 11, 2010, Liberty shall submit any comments to the Proposed Pilot Methodologies.

5. By November 18, Dr. Kadane will review the Proposed Methodologies, pose any clarifying questions if needed, and suggest any modifications he believes are necessary to approve the Proposed Pilot Methodologies.

6. By November 23, Dr. Kadane will approve the Proposed Pilot Methodologies and randomly select the files to be included in the Wausau Pilot and the Liberty Pilot (together, the “Pilots”) using consecutively numbered lists of contracts, accounts and/or policy numbers compiled by AIG from the data files Liberty has produced. AIG shall provide the lists to Dr. Kadane simultaneously, and Liberty shall have an opportunity to inspect the lists.

7. Within seven (7) days of Dr. Kadane making his selection of the pilot sample files, Liberty shall begin rolling production of the selected files from the Pilots with such production to be completed on or before January 7, 2011.

8. By January 21, 2011, AIG shall present its conclusions regarding the Pilots to Liberty and Dr. Kadane.

9. By January 28, 2011, Liberty shall serve a written response to AIG's conclusions regarding the Pilots.

10. By January 31, 2011, AIG shall submit proposed statistical sampling methodologies to guide the production of files from Wausau and Liberty (together, the "Proposed Full Methodologies").

11. By February 7, 2011, Liberty shall provide AIG and Dr. Kadane with Liberty's objections and/or suggestions for modifications to the Proposed Full Methodologies.

12. By February 14, 2011, Dr. Kadane will review the Proposed Full Methodologies, pose clarifying questions if needed, and suggest any modifications he believes are necessary to approve the Proposed Full Methodologies.

13. By February 21, 2010, Dr. Kadane will approve the Proposed Full Methodologies (the "Full Methodologies"). The Court shall resolve any objections and approve the Full Methodologies on or before February 28, 2010.

14. On or before March 1, Dr. Kadane will randomly select the files to be included in the statistical sample (the "Full Sample") using consecutively numbered lists of contracts, accounts and/or policy numbers compiled by AIG from the data files Liberty has produced. AIG shall provide the lists to Dr. Kadane and Liberty simultaneously, and Liberty shall have an opportunity to inspect the lists.

15. As soon as practicable but, in no event later than fourteen (14) days after Dr. Kadane makes his selections, Liberty shall begin a rolling production of the selected files from the Full Sample.

16. With respect to Liberty's rolling production of the selected files from the Full Sample, Liberty shall provide a production status report to AIG each Friday that substantively conforms to the report required of AIG by Paragraph 3 of the Court's August 12, 2010 Order.

17. As soon as practicable but, in no event later than sixty (60) days after Dr. Kadane makes his selections, the production of the selected files from the Full Sample shall be completed.

SO ORDERED:

Date: 11-15-10



Magistrate Judge Sidney I. Schenkier
United States District Court
Northern District of Illinois